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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,732	03/15/2001	Richard F. Rudolph	IP 6086	5668

7590 01/25/2005

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EXAMINER
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TIV, BACKHEAN

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N .

09/809,732

Applicant(s)

RUDOLPH ET AL.

Examiner

Backhean Tiv

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-10,12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-10,12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/04, 10/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Detailed Action***

This is a response to the amendment filed on 10/18/04. Claims 1,3-4,6-10, 12-13 are pending in this application. Claims 2,5,11 have been canceled.

***Priority***

Priority has been granted.

***Information Disclosure Statement***

The information disclosure statements filed 4/29/04 and 10/18/04 have been considered. FR 2802689 was not considered however, because there was no English translation.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-4,6-10,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,978,773 issued to Hudetz et al.(Hudetz) in view of US Patent 5,444,223 issued to Blama.

As per claim 1,4,7, Hudetz teaches method for providing product materials by accessing a remote computer network, comprising the steps of:

(i) providing an integrated system comprising,

a package(col.3, lines25-26),

an identification tag coupled to said package that stores identifying data unique to said package(col.3,lines25-26; the bar code is considered to be the identification tag),

an interrogator located external to said package(Fig 1. element 44, Fig.2, col.3, lines33-34), and

a computer system coupled to said interrogator for exchanging information with a remote site(Fig.1 and Fig.2),

(ii) sending a query signal from said interrogator to said identification tag(col.3,lines 32-33; by swiping the bar code reader across the product's UPC symbol, it is inherent that a query signal is being sent);

(iii) responding to said query signal by communicating said identifying data from said identification tag to said computer system(col.3, lines 33-36; by retrieving the URL corresponding to the UPC product data, the examiner interprets this as a response to the query signal);

(iv) executing a script associated with said identifying data in said computer system, wherein said script contains programmed instructions(col.3, lines 33-36; it is inherent that there is a script with program instructions associated with the UPC product data because the URL is being retrieved);

(v) instructing said computer system to access said remote computer network(Fig.8); and

(vi) sending said product materials from said remote computer network to said computer system(col.8,lines 12-20).

Hudetz however, does not teach a radio frequency identification tag.

Blama teaches a radio frequency identification tag(Abstract).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the method of Hudetz to use a radio frequency identification tag instead of a bar code as taught by Blama in order to identify a variety of items(Blama, col.1, line 20).

One ordinary skilled in the art at the time of the invention would have been motivated to combine Hudetz and Blama to provide a method to electronically identify items(Blama, col.1, lines 50-54).

As per claim 3,6,12, wherein said identifying data further comprises data selected from the group consisting of: a product identifier, a serial number, a URL or other reference to a web site, and combinations thereof(Hudetz, col.3,lines 24-26).

As per claim 8, the method of claim 7, wherein said product materials is selected from the group consisting of: product information, instruction manuals, advertising, registration materials, promotional items, and mixtures thereof(Hudetz, col.6,lines 8-15).

As per claim 9, the method of claim 8, wherein said promotional items are selected from the group consisting of: screen savers, fonts, computer games, text files, music files, video files, and mixtures thereof(Hudetz, col.6,lines 8-15).

As per claim 10, the method of claim 7, wherein said product materials are downloadable(Hudetz, col.8,lines 12-20; the HTML document is downloadable).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,978,773 issued to Hudetz et al.(Hudetz) in view of US Patent 5,444,223 issued to Blama in further view of US Patent 6,081,508 issued to West et al(West).

Hudetz in view of Blama teaches all the limitations of claim 7, however does not teach as per claim 13, the method of claim 7, wherein a cookie is used to communicate between said remote computer.

West teaches wherein a cookie is used to communicate between said remote computer(col.29, lines48-50).

Therefore it would have been obvious at the time of invention to modify the method of Hudetz in view of Blama to include wherein a cookie is used to communicate between said remote computer as taught by West in order to provide software to establish communication path to a computing resource(West, col.2,lines 39-42).

One ordinary skilled in the art would have been motivated to combine the teaches of Hudetz, Blama, and West to provide a method to establish communication path to a computing resource(West, col.2, lines 39-42).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1,3-4,6-10,12, 13 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BT

Backhean Tiv  
2151  
1/12/05



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